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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,803	01/11/2002	Marie-Rence Josserand	111455	1484
7590	06/01/2004		EXAMINER PHAM, TOAN NGOC	
Oliff & Berridge PO Box 19928 Alexandria, VA 22320			ART UNIT 2632	PAPER NUMBER

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

### Application No.

10/009,803

### Applicant(s)

JOSSERAND, MARIE-RENEE

### Examiner

Toan N Pham

### Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02/04/02
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because the box item number 22, 24, 26, 28, 32 and 34 of Figures 1 and 3 are not in English. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-9, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Moore (US 6,714,121).

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Regarding claim 1: Moore discloses a system for tracking and locating objects comprising a transponder (19) associated with the object (12) equipped with an identification code of the associated object; tracking means (104-108) able to located a given transponder from a signal emitted by the transponder; an indication system (22) physically independent from the object to be tracked and from the transponders and equipped with indicating means (22) arranged in the storage space (Fig. 2); a database in the control module (102) for storing location information of the container and the indicating means (22) is used to indicate the location of the container (col. 5, line 60-col. 6, line 63).

Regarding claim 2: Moore discloses the database of the control module (102) for storing location information and to indicate the location of the container on the nesting station via indicator (22) (col. 5, lines 38-col. 6, line 63; col. 16, lines 30-54).

Regarding claim 3: Moore discloses the indication system (22) is physically independent from the tracking means (Fig. 2).

Regarding claim 4: Moore discloses the tracking means emits a call signal to the passive transponder and the transponder emitting the response signal, the receiving means extract the received signal necessary for activation of the means for emitting the response signal (col. 5, line 60-col. 6, line 63; col.9, lines 12-27).

Regarding claims 5 and 6: Moore discloses the interrogators (104-108), which inherently includes emitting and receiving means, and a control module (102) which connects the interrogators by means of a network (Fig. 3).

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Regarding claim 7: Moore discloses the electromagnetic signals (col. 6, lines 37-43; col. 9, lines 12-27).

Regarding claim 8: Moore discloses the indicating means is light emitting diodes (col. 16, lines 30-54).

Regarding claim 9: Moore discloses the location system is determined by the address of the array programmed; thus, the address array is the binary approach.

Regarding claim 11: Moore discloses the document identified by the identification code of the transponder is filed in the database (col. 6, lines 58-63).

Regarding claim 12: Moore discloses the interrogation is driven by software (col. 10, lines 14-20).

Regarding claim 13: Moore discloses the container is positioned close to a specific inductive loop of the tracking means to be identified by the control means (col. 5, lines 38-58).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 6,714,121).

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Moore does not disclose the measuring of the energy absorbed by the transponder; however, measuring the energy absorbed or measuring the signal strength is well known the art of RFID or wireless communication. Therefore, it would have been obvious to utilize a well-known method to communicate between the interrogator and the transponder.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Cresap et al. (US 5,648,765), Neumark (US 6,550,674), Kofoed (US 6,711,458), and Schrott et al. (US 6,335,685) are cited to show a variety of tracking and locating systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan N Pham whose telephone number is (703)306-3038. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

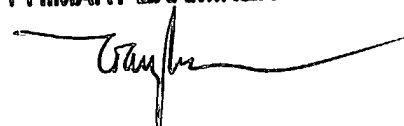
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 28, 2004

TOAN N. PHAM  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Toan N. Pham', written over a horizontal line.

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